REMARKS

In the Office Action dated February 22, 2007, claims 1-6 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 4,424,862 (Munari); claims 1-7, 9-11, and 13 were rejected under § 102 over U.S. Patent No. 2,894,587 (McCulloch); claims 12 and 21-23 were rejected under § 102 over U.S. Patent No. 2,298,834 (Moore); claims 8 and 14-20 were rejected under § 103 over McCulloch in view of Moore.

The Office Action maintained the rejection of claim 1 over Munari. In response to Applicant's argument that Munari fails to disclose a gas lift valve, the Office Action stated that "a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art." 2/22/2007 Office Action at 2.

It is respectfully submitted that a "gas lift valve" does specify a specific structural element, as recognized by persons of ordinary skill in the art. In fact, the references cited by the Office Action, such as Raggio (1:34-42) and Wellington (2:47-62), establish that persons of ordinary skill in the art recognize gas lift valves as being specific components having recognized tasks. Therefore, the assertion in the Office Action that "gas lift valve" is merely an "intended use" limitation that can be ignored is clearly improper.

Munari discloses a device for injecting a *liquid*. *See* Munari, Abstract; 1:6, 20, 25; 2:67; 3:15, 24. In fact, the word "gas" is nowhere mentioned in Munari.

Therefore, it is respectfully submitted that Munari clearly fails to disclose the combination of features recited in claim 1 including a gas lift valve.

Also, claim 1 is amended to recite, in combination with other features, a plurality of gas lift valves attached to a tubular member, where the gas lift valves are adapted to regulate communication, via corresponding orifices, from the axial bore of the tubular member to the wellbore.

Munari fails to disclose, in combination with the other claimed features in claim 1, *a plurality of* gas lift valves attached to the tubular member to regulate communication via corresponding orifices from the tubular member to the wellbore.

In view of the foregoing, claim 1 is clearly not anticipated by Munari.

The Office Action also rejected independent claim 1 as being anticipated by McCulloch.

As noted above, claim 1 is amended and now recites, in combination with other features, a plurality of gas lift valves.

The Office Action asserted that McCulloch discloses valves 44 and 45 (Fig. 2) and that such correspond to the claimed gas lift valves. However, it is noted that valve 44 is opened to allow fluid to pass outwardly from the device 42 to the annulus A, whereas valve 45 allows communication of fluid in the opposite direction. In contrast to the valve 45 in McCulloch, the gas lift valves of claim 1 regulate communication via corresponding orifices *from* the axial bore of the tubular member *to* the wellbore at or below the perforation interval.

Therefore, McCulloch fails to disclose a combination of features recited in claim 1, including a plurality of gas lift valves, and claim 1 is not anticipated by McCulloch.

Independent claim 7 was also rejected as being anticipated by McCulloch. Claim 7 recites, in combination with other features, plural gas lift valves for delivering the injected gas *into the well.* In contrast, the valves 44 and 45 of McCulloch control communication in different directions, and therefore, cannot disclose "plural gas lift valves for delivering the injected gas into the well.", as recited in claim 7 in combination with other features.

Therefore, claim 7 is also not anticipated by McCulloch.

Independent claim 13 was also rejected as being anticipated by McCulloch. Amended independent claim 13 is allowable over McCulloch for similar reasons as claim 7.

Independent claim 12 was rejected as being anticipated by Moore. Claim 12 has been amended to recite, in combination with other features, that the gas is injected into the wellbore at or below the wellbore interval.

It is respectfully submitted that Moore fails to disclose injecting gas into a wellbore at or below a perforating interval. Note that the valves 25 of Moore depicted in Fig. 1 are not at or below a perforating interval (upper zone 12) as recited in claim 12. The Fig. 3 arrangement of Moore has valves 25; however, Moore clearly states that the gas that passes from the annular space between tubings 18 and 20 into the annular space between the tubing 18 and casing 14 are communicated upwardly in the annular space between the tubing 18 and casing 14. Therefore, Moore does not disclose injecting the gas into the wellbore at or below a perforation interval as recited in combination with the other features in claim 12, and claim 12 is not anticipated by Moore.

Independent claim 14 was rejected as being obvious over McCulloch and Moore. Claim 14 has been amended to recite that the injection tool to inject gas from a surface location into the wellbore at or below the perforations, has a plurality of gas lift valves for delivering the injected gas into the wellbore at or below the perforations. In view of the arguments presented above with respect to claims 1 and 12, it is respectfully submitted that claim 14 is not taught or hinted at by the hypothetical combination of McCulloch and Moore. Therefore, claim 14 is non-obvious over McCulloch and Moore.

Dependent claims, including newly added dependent claim 24, are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of base claims, it is respectfully submitted that the obviousness rejection of dependent claims has also been overcome.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (SHL.0343US).

Respectfully submitted,

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